



Court Help Program Update

Winter 2013

The following summarizes the operations of the Court Help Program of the Montana Supreme Court. The Court Help Program Self Help Law Centers have served Montanans on over 7,400 occasions since January 2012.

Court Help Program Self Help Law Centers assist Montanans in acquiring legal information and resources to meet their legal needs. In addition to directing customers to attorney and agency referral resources, the Court Help Program is equipped to provide forms and assist self-represented litigants in successfully filing court documents.

Court Help Performance Measures Updated...

As you may recall, in March 2012 the Court Help Program implemented performance measures as requested by the Judicial Branch's Legislative Budget Subcommittee. Results from our March measures were reported in our Summer 2012 Program Update and have now been updated. We surveyed Clerks of District Court and Judges where we provide full or part-time self help services.

A total of 26 clerks of court responded to the survey, and 90% were able to identify a difference in the level of preparedness when a self-represented litigant received Court Help services. By comparison to March 2012 performance measures, more clerks indicated an increase in self represented litigants' efficient access to the court.

73% of Clerks agree when the litigant received Court Help services, clerks spend less time discussing filing requirements with the litigant.

75% of Clerks agree when the self-represented individual received Court Help Program services, litigants make fewer unsuccessful attempts at filing documents.

"Documents are much easier to read. Those litigants receiving Court Help Services are less stressed."

"The SRL has created serious back-log for the judiciary causing delays during court proceedings, delays in timely customer service at the Clerks' offices, and raised level of frustration among the members of the Bar Association. Court Help services help to lessen these problems. Without this assistance, the judicial system is rendered handicapped to a level beyond belief."

"Litigants understand that we cannot give them any legal advice and are less frustrated when they are in the office."

A total of 25 judges (or judicial staff) responded to the survey, and 86% of the judges and judicial staff were able to identify a difference in the level of preparedness when a self-represented litigant received Court Help services. By comparison to March 2012 performance measures, more judges indicate an increase in self represented litigants' efficient access to the court.

81% of Judges agree when the litigant received Court Help services, clerks spend less time discussing filing requirements with the litigant.

86% of Judges agree when the self-represented individual received Court Help Program services, litigants make fewer unsuccessful attempts at filing documents.

"These services have been, or and will continue to be, crucial for many low and middle income litigants to access the court system and receive justice and procedural fairness."

"The Court Help Program is a good bang for the buck."

"Self Represented Litigants receiving Court Help Services are less fearful of the process in general, less likely to miss hearings, less likely to call the Clerk's Office every week to ask questions, and are more confident and able to make decisions than litigants that have not had the benefit of assistance from Court Help Services."

New Access to Justice Commission....

On May 22, 2012, the Montana Supreme Court created an Access to Justice Commission as a new advisory commission to the court. The mission of the Commission is to ensure that access to competent legal representation is available to everyone despite income level, disability, or other disadvantage. The Montana Supreme Court appointed an extraordinary group of Montanans to serve on the Commission.

The New Access to Justice Commission Members Are:

Judge Richard Jackson, Fort Peck Tribal Court

Matthew Dale, Department of Justice

Justice Beth Baker, Montana Supreme Court

Judge David Ortley, 11th Judicial District Court

Judge Michelle Snowberger, Belgrade City Court

Sharon Skaggs, Yellowstone County Clerk of Justice Court

Melanie Reynolds, Lewis and Clark County Health Department

Andy Huff, Governor's Office

Judge Kurt Krueger, 2nd Judicial District Court

Alison Paul, Montana Legal Services Association

Randy Snyder, Legal Practitioner

Andrew King-Ries, UM School of Law

Jon Bennion, Montana Chamber of Commerce

Rick Ripley, Montana State Senator

Chuck Hunter, Montana State Representative

Aimee Grmojlez, Legal Practitioner

Robin Meguire, Legal Practitioner

Jennifer Brandon, Gallatin County Clerk of Court

The Commission is clearly collaboration between the courts, the executive branch, the legislature, businesses, the private bar, legal services, the law school and Montana Justice Foundation. At the first meeting, the Commission rolled up its sleeves and appointed three working groups and one standing committee. The Court Help Program is very excited to work with this new Commission and especially thankful for the Self Represented Litigants Standing Committee volunteers: Judge Ortley, Judge Snowberger, and Robyn Meguire.



Pro Bono Spotlight



Western Montana Bar Association:

A Pro Bono Superstar...

I was reading a fascinating piece on geese, flocking and leadership. I learned a flock of geese flying in formation can fly longer and stronger than one goose flying all alone. When the lead tires while the flock flies in the familiar “V” formation, it drops back and another takes its place. And my favorite, those geese bring up the rear and honk from behind to encourage those up front to maintain their speed. It got me to thinking. Mostly about the tremendous efforts I’ve

seen in my pro bono world; efforts that closely resemble this same flocking phenomena – one in particular. A few years back I chose Missoula as one of my first visits as the Statewide Pro Bono Coordinator. Rumor had it pro bono participation was waning in the Western Montana Bar Association (WMBA) and an otherwise dynamic group of attorneys comprising the Pro Bono Committee were struggling for solutions. After meeting with the group, it was certainly obvious there was no shortage of desire, determination and can-do attitude. And so with some guidance this flock charged ahead. Early in the process, judicial leadership was identified as an earmark of a truly successful pro bono program. While no one disputed the individual support of the Districts’ judges in the concept of pro bono as a professional responsibility, a collective call to duty was missing. Through the continued assistance and perseverance of the WMBA Pro Bono Committee and universal support of the judiciary, the 4th and 21st Judicial District Courts adopted an official Pro Bono Policy – the first and only such policy in Montana. The policy, in part, states that pro bono is indeed an attorney’s professional responsibility and officially endorses the work of the WMBA Pro Bono Program and Missoula’s Self-Help Center administered through the Court Help Program.

The judiciary took another huge leap in establishing an opt-out only pro bono program and the Committee designed an electronic registration database tied into a rotating referral system. This enables attorneys to register for specific types of cases for full and limited scope representation as well as special projects such as mediation and clinic settings. This not only automated a previously archaic system, it also permitted sharing of pro bono coordination duties and easy access to important program information by everyone who needed to know – ensuring an uninterrupted referral mechanism. And on top of all of this, the Committee guided into creation a court-based settlement program pairing volunteer attorneys with litigants who could not otherwise pay for mediation; brilliant effort designed to utilize volunteer attorneys to actually prevent the need for time consuming pro bono referrals.

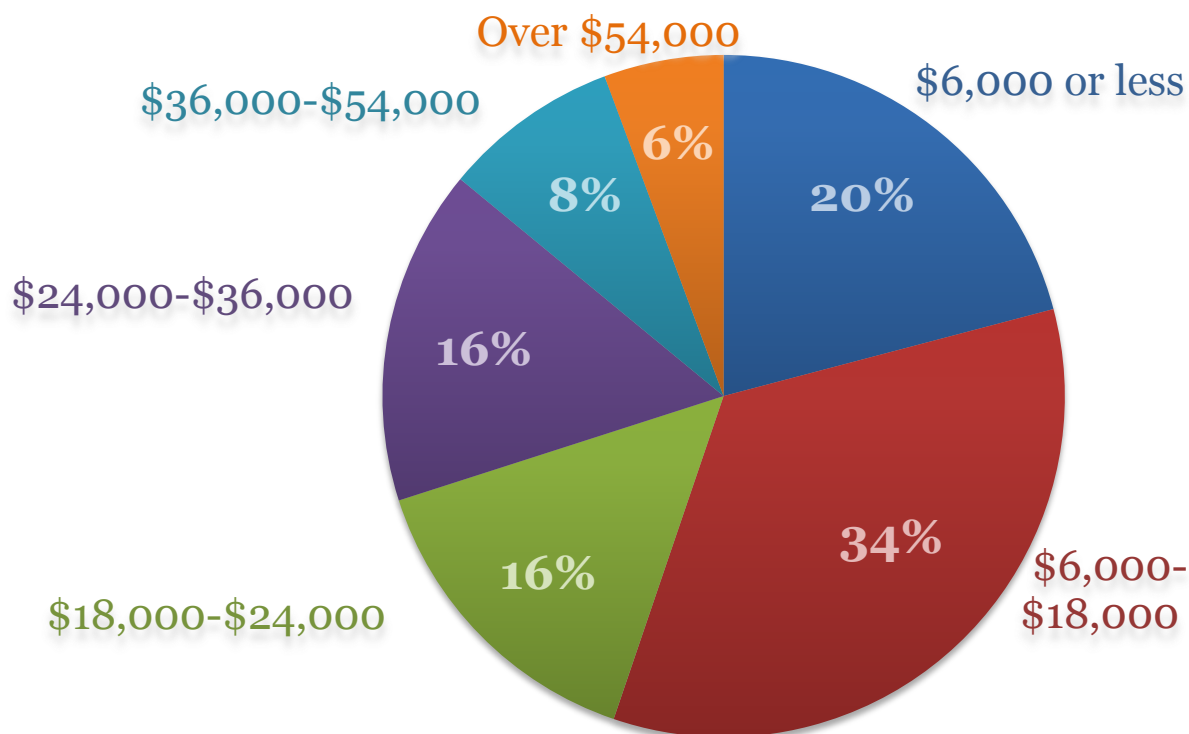
The previous WMBA pool of some 40 volunteer lawyers grew to 250+. In the year immediately prior to the Committee’s pro bono efforts, the WMBA Pro Bono Program placed 23 cases with volunteer lawyers. Although it is cases that are referred, we are reminded it is real people in real need that receive the help. Every referral counts. Flash forward to 2012 - a whopping 132 cases were placed through November 2012. That’s a 573% increase! And if that’s not enough wow-factor, dozens and dozens of cases have been placed with Settlement Masters. Just this last month, a working group of the Committee developed and launched a family law advice clinic.

This didn’t take place overnight and it certainly wasn’t easy. But the beauty of the WMBA Pro Bono Program is its smart and calculated transformation that could never have taken place without its prodigious leaders. Much like the geese in the flock – there wasn’t just one who affected all of this remarkable change. Each successive Committee Chair continued the efforts seamlessly. The Committee members worked hard, clearly believing in the cause and staying true to the mission – often taking the lead when necessary and honking from behind to keep the group on task. The judiciary, taking its role as the ultimate leaders of the legal profession very seriously, was willing to back up its words with action. And not to be discounted, the volunteer attorneys who said yes and keep saying yes over and over again. I’ve been privileged to witness in Missoula what I call in my world “all-in.” Everyone stepped up when they needed to and for as long as it took to get the job done. Theodore Roosevelt was right – “The best thing you can do is the right thing; the next best thing you can do is the wrong thing; the worst thing you can do is nothing.” And I say to every single person who made and continues to make possible the provision of legal services to those of limited means in the 4th and 21st Judicial Districts, thank you for taking a chance, seeing it through and making a difference. Salute.

To learn more about the WMBA Pro Bono Committee and its work, visit the State Bar of Montana website at www.montanabar.org and follow the link to local bar associations.

Income Screening and Court Help...

Although the Court Help Program does not screen for customer financial eligibility in order to receive services, the program has collected self reported data from our Self Help Law Center Intake Forms. The following diagram indicates the income reporting of customers when asked **“What is your household yearly income before taxes?”**



50 %

of customers are living at or below the federal poverty level

70%

of customers are living within 125 percent of the poverty level and qualify for legal assistance through MLSA or other pro bono programs.

86%

of customers are within 200 percent of poverty level and qualify for State Bar Modest Means Program.

The fact that roughly 70% of the over 7,400 customers served in 2012 qualify for pro bono legal services indicates the need for a continuum of services, including effective pro bono programs. Although self help services are important, it is clear from this information that self help is only one piece of the puzzle and service providers statewide must collaborate to meet the legal needs of low income individuals.

Contact Information:

Self Help Programs: Erin Farris, efarris@mt.gov, (406) 841-2975

Pro Bono Programs: Patty Fain, PFain@mt.gov, (406) 794-7824